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SUBJECT: SRI LANKA CONTINUES TO RESIST PRESSURE IN HUMAN
RIGHTS COUNCIL

REF: GENEVA 108

Classified By: Political Counselor Michael Klecheski. Reasons: 1.4 (b/d).

11. (C) SUMMARY: The EU continues to hold out the prospect of tabling a resolution critical of Sri Lanka in the Human Rights Council, but it has failed to pressure the GoSL into dropping its opposition to establishing an independent presence on the ground of the Office of the High Commissioner for Human Rights (OHCHR). Sri Lanka's Human Rights Minister again visited Geneva to make his government's case and to meet with High Commissioner for Human Rights Louise Arbour in what proved a fruitless discussion. Meanwhile, a Swiss-hosted meeting of delegations seeking to further increase the pressure concluded, inter alia, that gaining the support of non-Western countries, notably India, would be highly useful, and that the Council's new Universal Periodic Review mechanism might be helpful. In Geneva, Sri Lanka has been effective in its strategy of gaining support from less developed countries as it fends off pressure from Western delegations. END SUMMARY

EU RESOLUTION STILL LOOMING

12. (C) As the month-long March Human Rights Council session got underway last week, discussion continued over how to use it and other Geneva-based mechanisms to address Sri Lanka's deteriorating human rights record. The EU, which has long had a draft resolution on Sri Lanka ready for tabling, again decided to use that resolution as a pressure point but not table it. The EU recognizes that, were the resolution to be tabled, it would likely be defeated. While this inevitably reduces its effectiveness as a threat, EU members and others remain convinced that Colombo feels at least somewhat concerned, and that this helps explain Sri Lanka's continued intense public relations campaign in Geneva (reftel and previous).

PRESSING FOR AN INDEPENDENT OHCHR PRESENCE

13. (SBU) As part of that campaign, the GoSL again deployed a sizable delegation, led by Minister of Disaster Management and Human Rights Mahinda Samarasinghe, for a series of bilats, meetings with regional groups and side events on the margins of the first week of the Council session, as well as to speak at the session's High Level Segment. In a meeting with Arbour, Samarasinghe reportedly offered to allow a few more OHCHR staff to be based in Sri Lanka, as long as they worked under the auspices of the country's national human rights structure. Arbour, in turn, continued to insist on an independent monitoring presence in Sri Lanka. In a Western Group meeting and several others, we joined other delegations

in pressing the GoSL to reconsider its opposition to an independent OHCHR presence.

14. (C) Responding to that view during those meetings, Samarasinghe argued that the GoSL was cooperating with UN organs, having welcomed Arbour, Special Rapporteur on Torture Manfred Nowak, Special Representative of the Secretary General on IDPs Walter Kalin, and most recently Assistant SYG for Political Affairs Angela Kane for visits. Samarasinghe continued to argue, as he has in the past, that an independent OHCHR presence was unnecessary, would be used for propaganda purposes by the LTTE, would undercut national human rights institutions, and would demean the country. In private, he told us that officials of countries that had accepted such arrangements, including Colombia, had warned him against doing so. In a March 5 meeting with Ambassador Tichenor, Colombian Vice President Francisco Santos Calderon, also in town for the Council's High Level Segment, said that he had told the Sri Lankans that the independent OHCHR office had long been a thorn in the government's side but was now proving very helpful. (Note: Colombia and Nepal are usually cited as the two most successful models of an independent OHCHR office on the ground.)

HOW TO PRESSURE SRI LANKA?

15. (C) Also on the margins of the Council session, the Swiss government hosted a March 6 meeting with several delegations, including us, to discuss how to increase the pressure on the GoSL, notably in Geneva, to improve its human rights behavior. Key suggestions included:

-- Pursuing a cross-regional approach. There was general agreement that Sri Lanka, and in particular its outspoken

ambassador here, were effectively playing off the West against less developed countries. Pursuing a cross-regional approach was therefore essential. Norway's Special Envoy for Sri Lanka, John Hanssen-Bauer, argued that getting India to exert pressure was possible and would be particularly effective. Prospects for China's support were less certain, although of tremendous value. Reaching out to moderates in the Latin American and African regional groups might also prove fruitful.

-- Using the Universal Periodic Review (UPR). Sri Lanka will come up for UPR review in June. UPR is to be a cooperative process, and using it to attack Sri Lanka could backfire, but ensuring that the review includes tough questions on all aspects of its human rights record could be effective. Sri Lanka has failed to implement most of the recommendations of special rapporteurs; highlighting that point through questions about implementation would also be useful. If Sri Lanka proves uncooperative on UPR, this could open the door to tabling the EU's resolution or holding a special session.

-- Using Sri Lanka's Council candidacy as a pressure point. Sri Lanka is running for membership in the Council. Most of the meeting's participants believed their governments would not vote for Sri Lanka under any circumstances, with a French representative reporting that FM Kouchner had responded coolly to an appeal for support from his Sri Lankan counterpart. Even though the GoSL likely realizes this, there might be ways to leverage its candidacy to exert pressure, at minimum by highlighting that human rights records are key factors in countries' voting decisions on this issue.

-- Highlighting Sri Lanka's poor record. The GoSL holds numerous events during Council sessions to lay out its position, whereas critics of Sri Lanka's record are less active. Discreetly encouraging NGOs critical of Sri Lanka to arrange side events could be useful. A member of the International Independent Group of Eminent Experts, possibly its (Indian) Chair, might also be invited to Geneva to discuss Sri Lanka's human rights situation.

-- Underscoring the value of independent OHCHR field offices.

Highlighting OHCHR's successful field offices, particularly those in Colombia and Nepal, might undercut Sri Lanka's position on the issue. It also would make the broader point about the value both of an independent OHCHR and of that Office's strong presence on the ground, thus countering the current efforts in the Council to undercut OHCHR's independence. UK Foreign Office Human Rights Group head Susan Hyland also raised the possibility of encouraging a study of the role an independent OHCHR office could play in Sri Lanka.

SUMMARY

16. (C) As in the past, Sri Lanka's delegation took a tough and often acerbic tone in its latest public relations campaign in Geneva. While this may in part reflect the personality of its ambassador in Geneva, Dayan Jayatilleka, it also reflects a strategy of appealing to NAM countries, to whom it argues implicitly (and probably explicitly, behind closed doors) that it is willing to stand up to the West, which is unfairly picking on it. That message resonates particularly strongly in the Human Rights Council, further complicating our efforts to use that body to pressure Sri Lanka on its human rights record. That said, the ideas laid out in the March 6 meeting appear to us to be worth pursuing.

TICHENOR